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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 000364

SIPDIS

DEPARTMENT FOR SA, DRL/CRA, INR/NESA; NSC FOR E. MILLARD

LONDON FOR POL/RIEDEL

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SUBJECT: Government considering re-imposition of capital punishment

Refs: Colombo 331, and previous

(U) Classified by Lewis Amselem, Deputy Chief of Mission. Reasons 1.5 (b,d).

1. (C) SUMMARY: The Sri Lankan government is considering whether to re-impose capital punishment, which remains on the books, but has not been used since 1976. Some in the GSL say the death penalty would be useful to counter rising crime rates. The Prime Minister's view is not yet clear. The president is believed to be leaning against the death penalty, while human rights groups are strongly opposed. In pushing for the death penalty, some in the GSL seem to sense a vote-winning issue. END SUMMARY.

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Some Press for Death Penalty
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2. (C) The Sri Lankan government is seriously mulling over the possible return of capital punishment. While the death penalty remains on the books as a punishment for murder, it has not been imposed since 1976. (Note: In fact, although there have been many extra-judicial killings by both sides, the death penalty has not been imposed by the GSL as a matter of law during the course of its conflict with the Tamil Tigers.) Interior Minister John Amaratunga has taken a lead role in pressing for the use of the death penalty and he was recently photographed as he inspected the gallows at Colombo's Welikada prison. (Note: Hanging has been the traditional mode of executions in Sri Lanka, although the GSL is studying other options, including the electric chair and lethal injection.) Amaratunga, a gruff, tough-minded politician, has been quoted as stating that he would like to see the death penalty used within the next several months.

3. (SBU) In making his case for the use of capital punishment, Amaratunga has claimed that it is needed in order to counter rising crime rates. He has asserted, for example, that gang members and others in the underworld would take the death penalty seriously as a deterrent. (Note: When asked about the crime situation, most contacts agree that crime rates have risen in Sri Lanka in the past couple of years, though not dramatically. They add that there has been a noticeable increase in gangland-type killings, however. End Note.)

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PM's Views Not Clear
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4. (C) Amaratunga's campaign for the return of capital punishment has powerful supporters in the governing United National Party (UNP). Chief among them is Karu Jayasuriya, the Minister for Power and Energy and deputy leader of the UNP. In his typical sphinx-like manner, however, Prime Minister Wickremesinghe has not made his views clear. Desmond Fernando, a well-known human rights attorney and close friend of the PM, has told us that he does not believe Wickremesinghe will go along with Amaratunga's effort, as the PM does not see the re-imposition of the death penalty as a key tool in fighting crime. Fernando added that the Prime Minister remained willing to examine all views, however, and was planning to discuss the issue further at upcoming cabinet meetings.

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President: Leaning Against
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5. (C) In order to move forward with the death penalty, the GSL would need the support of the president, who has to sign off on any executions per Sri Lanka's criminal code. Thus far, President Kumaratunga has not made clear whether or not she would support a decision by the government to re-impose the death penalty. That said,

the president is believed to be leaning against its re-imposition. On this point, Desmond Fernando noted to us that her views on social matters were often influenced by her Francophile leanings (she was educated in France) and her desire to be seen as a "liberal." Given these tendencies, he doubted she would support any effort to bring back the death penalty.

16. (SBU) (((Note: The president is also known to treasure her family's role in Sri Lankan politics. This factor also tends to reinforce the conclusion that she will not support the death penalty. After all, it was her father, Prime Minister S.W.R.D. Bandaranaike, who put in place the first moratorium on the use of the death penalty in Sri Lanka's history. After Bandaranaike's assassination in 1959, the death penalty was re-imposed. Her mother, Sirimavo Bandaranaike, who served as PM subsequently, supported the use of the death penalty only sparingly. End Note.)))

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Human Rights Groups Opposed
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17. (C) Human rights groups are rapidly becoming mobilized against the possible return of the death penalty. M. Remadious, an adviser with the Center for Human Rights and Development, a local NGO, told us that his group had recently met and discussed ways to protest against the death penalty. Remadious said further meetings were planned. Dr. P. Saravanumuttu, co-director of the Center for Policy Alternatives, another well-known local NGO, told us that his group was strongly against the death penalty and would participate in upcoming meetings on ways to prevent its re-imposition in Sri Lanka. (Note: Sri Lanka is a predominately Buddhist country and some Buddhist groups oppose the use of the death penalty citing religious strictures. Many Buddhists, including some in the top clergy, do not see their religion as being in conflict with the use of the death penalty, however.)

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COMMENT
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18. (C) In pushing for the death penalty, some in the GSL seem to sense a vote-winning issue. Interior Minister Amaratunga, for example, clearly sees the issue as a way to highlight his anti-crime, anti-vice efforts to a public that is believed to favor strongly the return of the death penalty. Our guess is that Amaratunga's effort may come up short inasmuch as he probably cannot count on President Kumaratunga's support. That said, Kumaratunga has to approach the issue cautiously as the death penalty is popular with the public at large. END COMMENT.

19. (U) Minimize considered.

WILLS